

Message Text

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FEA-01 ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 OIC-02

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FM USMISSION GENEVA

TO SECSTATE WASHDC 7940

C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 0772

E.O. 11652: GDS

TAGS: PLOS

SUBJ: GROUP OF 17 LOS, VESSEL-SOURCE POLLUTION MEETING

21-23, JAN 1976.

BEGIN SUMMARY: (A) GROUP OF 17, WITH FEW EXCEPTIONS MAINTAINED POSITIONS VOICED IN DEC MEETING IN NEW YORK. IN SPITE OF MAJORITY DESIRE TO STRENGTHEN FLAG STATE STANDARDS AND ENFORCEMENT SYSTEM, THERE WAS DISAGREEMENT AS TO PRIORITY OF SNT COMMITTEE II AND III TEXTS ON COASTAL STATE STANDARD SETTING RIGHTS IN TERRITORIAL SEA. GROUP REJECTED COASTAL STATE STANDARD SETTING RIGHTS BEYOND TERRITORIAL SEA, AND AGREED DESIGNATION OF SPECIAL AREAS AND ESTABLISHMENT OF REGIME THEREIN MUST BE ACCOMPLISHED THROUGH IMCO. NON-MANDATORY UNIVERSAL PORT STATE INSPECTION RIGHT WAS GENERALLY ACCEPTED, SOME DELEGATIONS BELIEVING INSPECTION SHOULD BE MANDATORY AT REQUEST OF ANOTHER STATE, BUT ONLY FOR OFFENSES COMMITTED WITHIN ZONE OF X MILES, WITH POSSIBLE INCLUSION OF

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DAMAGE CRITERIA.

(B) US SUPPORTED UNIVERSAL MANDATORY PORT STATE INSPECTION. NO AGREEMENT WAS REACHED ON SINGLE PORT STATE ENFORCEMENT SYSTEM, BUT IN GENERAL, MANDATORY PORT STATE ENFORCEMENT, UNIVERSAL OR OTHERWISE, MET WITH LITTLE SUPPORT. SEVERAL DIFFERENCES OF INTERPRETATION OF SNT ARTICLE 27(3) AND 28(2) AROSE AS TO "UNIVERSALITY" OF PORT STATE ENFORCEMENT SYSTEM, EVEN IN ZONE OF X MILES. EVENSEN 27(4) ON TRANSFER OF PRECEEDINGS BY PORT STATE, SUPPORTED BY US, MET WITH GOOD RESPONSE PORT OR COASTAL STATE EXPULSION RIGHT, IN TERRITORIAL SEA OR BEYOND, MET WITH GENERAL OPPOSITION. MAJORITY OF GROUP FAVORED FLAG STATE ENFORCEMENT OF INTERNATIONAL DISCHARGE AND CONSTRUCTION STANDARDS IN TERRITORIAL SEA, AND DID NOT RECOGNIZE COASTAL STATE PRESCRIPTIVE RIGHTS FOR SAME, ALTHOUGH US INSISTED ON INCLUSION OF LATTER. GROUP FAVORED LIMITING INSPECTION RIGHT BEYOND TERRITORIAL SEA TO 50 MILES, IN LIEU OF EVENSEN INSPECTION RIGHT IN ENTIRE ECONOMIC ZONE. GRUP FAVORED LIMITING INSPECTION RIGHT BEYOND TERRITORIAL SEA TO 50 MILES IN LIEU OF EVENSEN INSPECTION RIGHT IN ENTIRE ECONOMIC ZONE. GROUP UNWILLING TO GRANT COASTAL STATE BOARDING OR ARREST POWERS BEYOND TERRITORIAL SEA. US, IN ANTICIPATION OF COASTAL STATE DEMANDS, RECOMMENDED CONSIDER COASTAL STATE ENFORCEMENT RIGHT FOR VIOLATIONS OF INTERNATIONAL DISCHARGE STANDARDS IN 50 MILE ZONE RECEIVED SUPPORT OF JAPAN, NETHERLANDS AND IN PART, ITALY. SOME STATES REQUIRED QUALITATIVE DAMAGE CRITERIA AS NECESSARY ADJUNCT WITH SUCH AN ENFORCEMENT REGIME. END SUMMARY.

BEGIN TEXT: AT OUTSET OF GROUP OF 17 MEETING ON VESSEL SOURCE POLLUTION IN GENEVA 21-23 JAN 1976, CHAIR (UK) WAS CAREFUL TO POINT OUT DISCUSSION WOULD BE HELD ON AMENDS TO CHAPTERS VI AND VII OF GENEVA LOS INGLE NEGOTIATION TEXT (SNT) AND ONLY SECONDARILY TO LATEST EVENSEN DRAFT, THEREBY PRESERVING STATUS OF SNT. AFTER BRIEF EXPLANATION OF EVENSEN TEXT ARTICLES BY TRESSLE (NORWAY), DISCUSSIONS PROCEEDED ON ARTICLE-BY-ARTICLE BASIS, WITH REFERENCE TO RELATED ARTICLES, WHERE NECESSARY.

1) ARTICLE 20 (STANDARDS). IN ORDER TO MAKE FLAG STATE OBLIGATION MORE EXACTING, GENERAL PREFERENCE WAS CONFIDENTIAL

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TO REPLACE "NO LESS EFFECTIVE" BY "NO LESS STRINGENT" IN SNT 20(2). REGARDING COASTAL STATE RIGHT TO ESTABLISH NATIONAL DISCHARGE AND CONSTRUCTION, EQUIPMENT, MANNING AND DESIGN(CEMD) STANDARDS IN THE TERRITORIAL SEA, UK, SUPPORT BY ITALY, NETHERLANDS AND USSR, WISHED TO INCLUDE CROSS REFERENCE TO SNT 18(2) (COMMITTEE II TEXT) WHICH THEY REGARDED AS CONTROLLING OVER SNT 20(3). US COUNTERED, STATING NECESSITY TO RECOGNIZE COMMITTEE III

TEXT AS CONTROLLING AND SUPPORTED EVENSEN 20(3)
AS REASONABLE COMPROMISE BETWEEN FLAG AND COASTAL INTERESTS.
US, SUPPORTED BY JAPAN, ITALY, AND DENMARK, INDICATED
PREFERENCE FOR "HAMPERING" IN LIEU OF "IMPEDING" IN
SNT 20. THE GROUP (WITH US DISSENTING) OBJECTED TO GENERAL
COASTAL STATE STANDARD SETTING RIGHT IN TERRITORIAL SEA,
ALTHOUGH SOME DELEGATIONS CONSIDERED POSSIBILITY OF RECOGNIZING
COASTAL STATE PRESCRIPTIVE RIGHT FOR DISCHARGES IN TERRITORIAL
SEA, AND SOME DELEGATIONS CONSIDERED POSSIBILITY OF RECOGNIZING
COASTAL STATE PRESCRIPTIVE RIGHT RELATING TO EQUIPMENT
STANDARDS.
MOST STATES (E.G., UK, FRG, US, ITALY, USSR, JAPAN, FINLAND)
SUPPORTED DELETION OF EVENSEN 20(4) (COASTAL
STATE RIGHT TO ESTABLISH LAWS AND REGULATIONS IN EXCLUSIVE
ECONOMIC ZONE (EEZ) IMPLEMENTING AND CONFORMING TO
INTERNATIONAL RULES AND STANDARDS), WHICH WAS REGARDED AS
DANGEROUS GRANT THAT COULD BE INTERPRETED BY THE COASTAL
STATES AS NATIONAL LEGISLATIVE RIGHT IN EEZ.
US INDICATED PRIOR CONTINUOUS CONSENSUS OF MARITIMES
AS TO NON-RECOGNITION OF COASTAL STATE STANDARD-SETTING
AUTHORITY BEYOND TERRITORIAL SEA.
REFERENCE IN EVENSEN ART 20(5) ON SPECIAL AREAS
TO PHRASE, "OF THE ECONOMIC ZONE" FOUND INAPPROPRIATE
INCLUSION BY MAJORITY OF GROUP MEMBERS, UK (ALONG WITH DEN-
MARK, ITALY AND JAPAN) SPECIFICALLY PROPOSING ITS
DELETION IN SNT 20(4) AND PROPOSING THAT SPECIAL AREAS
BE DESIGNATED BY APPROPRIATE INTERNATIONAL ORGANIZATION (IMCO)
NORWAY, SUPPORTED BY GREECE, QUERIED PREFERABILITY OF
DESIGNATION AND APPROVAL OF SPECIAL AREAS BY MEPC.
USSR, SUPPORTED BY OTHER STATES INCLUDING US, WITH
REFERENCE TO 1973 IMCO REQUIREMENTS, INDICATED NEED TO
SPECIFY REQUIREMENT OF ADEQUATE RECEPTION FACILITIES,
SUPPORTING AS INCLUSION IN EVENSEN ARTICLE 20(5) OF WORDS,
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"INFORMING THE ORGANIZATION THAT SUFFICIENT AND SUITABLE
LAND-BASED RECEPTION FACILITIES HAVE BEEN ESTABLISHED".
US INDICATED 1973 IMCO REGIME ADEQUATE TO DEAL WITH
SPECIAL AREAS, AND REITERATED SERIOUS CONCERN WITH
RECOGNIZING ANY COASTAL STATE STANDARD-SETTING AUTHORITY
BEYOND TERRITORIAL SEA AND UNACCEPTABILITY OF EVENSEN
20(5). NETHERLANDS DID, HOWEVER, RECOGNIZE POSITIVE
GAIN BY EVENSEN 20(5) OVER SNT 20(4) I.E., THAT RULES TO BE
APPLIED SHOULD BE INTERNATIONAL RULES AND STANDARDS.
JAPAN INDICATED IT COULD ACCEPT SPECIAL AREAS ONLY UPON
RECOGNITION OF THEM BY INTERNATIONAL ORGANIZATION ITSELF,
AND OF DOMESTIC LAWS AND REGULATIONS
CONFORMING TO INTERNATIONAL ONES IN SPECIAL AREAS, BUT LATTER
COULD NOT REFER TO CEDM STANDARDS, BUT ONLY TO DISCHARGE.

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INFO OCT-01 IO-11 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

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CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

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C O N F I D E N T I A L SECTION 2 OF 3 GENEVA 0772

2) SNT ARTICLE 26 (FLAG STATE ENFORCEMENT). IN
RESPONSE TO EARLIER VOICED GROUP DESIRE TO STRENGTHEN
FLAG STATE ENFORCEMENT OBLIGATION, GROUP CONSIDERED
DETAILED ISSE PROPOSAL, IN SPITE OF BELIEF THAT SNT
ALREADY INCLUDED STRONG OBLIGATION ON FLAG STATE IN
SNT, COMMITTEE II TEXT 18(2) AND III SNT (26). USSR
AMENDMENT, OFFERED, IN PART, DUE TO CONCERN OVER FLAG OF
CONVENIENCE STATES, PROVIDED FOR A STATE TO UNDERTAKE TO
EXERCISE EFFECTIVE CONTROL FOR SHIPS UNDER ITS REGISTRY
OR FLAYING ITS FLAG. UK OBJECTED TO USSR PROPOSAL AS
PROHIBITED FLAG STATE TO ALLOW ITS VESSELS TO LEAVE PORTS
IF NOT IN COMPLIANCE WITH INTERNATION STANDARDS, AND BELIEVED
LANGUAGE ""SHALL ENSURE" IMPOSED TOO HIGH AN
OBLIGATION ON FLAG STATE. US WELCOMED USSR PROPOSAL,
NOTING , HOWEVER, THAT IF USSR PROPOSED ARTICLE 26(4) WAS
MEANT TO BE EXCLUSIVE REMEDY (TO EXCLUSION OF APPLICABLE
PORT OR COASTAL STATE ENFORCEMENT ACTIONS), THIS WOULD
LEAD TO LESS SUPPORT FOR AMENDMENT BY PORT AND COASTAL
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STATES. PROBLEMS ALSO WITH PROVISION IN MEANING OF USSR WORDS "LEGAL FORCE" IN USSR PROPOSAL, WHICH USSR WILLING TO AMEND BY DELETION OF ADJECTIVE "LEGAL".

3) EVENSENA ND SNT ARTICLE 27 (PORT STATE ENFORCEMENT AND PORT STATE INSPECTION).

GROUP GENERALLY ACCEPTED PORT STATE RIGHT TO INSPECT SHIP IN RESPECT OF VIOLATIONS OF DISCHARGE AND CEMD INTERNATIONAL RULES AND REGULATIONS REGARDLESS OF LOCATION, SOME DELEGATIONS BELIEVING INSPECTION AT REQUEST OF ANOTHER C/S SHOULD BE MANDATORY (SNT 28-(2)).

MANDATORY PORT STATE INSPECTION ACCEPTABLE TO SOME STATES ONLY FOR OFFENSES COMMITTED WITHIN A ZONE OF X MILES, IF REQUESTING STATE, AND TO OTHERS, ONLY UPON INCLUSION OF DAMAGE CRITERIA. US SUPPORTED UNIVERSALITY PRINCIPLE OF PORT STATE INSPECTION, AS INCLUDED IN EVENSEN 27(1) AND INDICATED PREFERENCE FOR SNT 27(1) "MUST IN LIEU OF EVENSEN 27-(1) "MAY". USSR, ALONG WITH JAPAN AND UK, INDICATED NON-ACCEPTANCE OF UNIVERSALITY IN MANDATORY PORT STATE INSPECTION SITUATION, LIMITING IT TO ZONE OF X MILES, THE TERRITORIAL SEA, OR IN COASTAL STATE'S POLLUTION ZONE. CHAIR, HOWEVER, INDICATED MOST DELEGATIONS COULD ACCEPT UNIVERSALITY PRINCIPLE IN PERMISSIVE SITUATION AND ACCEPTABILITY OF SNT 27-(1) TO MEET DELEGATIONS UPON CHANGE OF "MUST" TO "MAY" IN SNT 27(1).

NETHERLANDS SUPPORTED BY US, INDICATED AS POSSIBLE COMPROMISE THAT, IF VIOLATION OCCURED WITHIN "X MILES" OF REQUESTING STATE, REQUEST SHOULD BE MANDATORY FOR PORT STATE TO REQUEST TO TAKE ACTION. DUTCH MILEAGE CRITERION WAS ACCEPTABLE TO FRG, WHICH OTHERWISE COULD ACCEPT MANDATORY NATURE OF INSPECTION AT REQUEST OF ANOTHER STATE. SOME STATES INDICATED PREFERENCE OF INCLUSION OF DAMAGE CRITERIA, IF MANDATORY PORT STATE INSPECTION WERE TO BE ADOPTED. THE UNITED STATES INDICATED ITS PREFERENCE FOR MANDATORY NATURE OF PORT STATE INSPECTION REGIME WITHIN ZONE OF X MILES IN LIEU OF EVENSEN 27(3) COMPROMISE LANGUAGE, CALLING FOR PORT STATE TO MAKE "EVERY EFFORT TO COMPLY" WITH INVESTIGATION REQUESTS BY OTHER STATES.

4) EVENSEN ART 27 AND 28 AND SNT 27 AND 28(2) (PORT STATE ENFORCEMENT).

GROUP WAS UNABLE TO AGREE ON SINGLE ACCEPTABLE PORT STATE ENFORCEMENT REGIME, BUT RATHER EXAMINED MULTIPOLICY OF

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OPTIONS. WHILE AGREEING THAT BEYOND TERRITORIAL SEA ENFORCEMENT IN RESPECT OF VIOLATIONS OF INTERNATIONAL

DISCHARGE RULES AND REGULATIONS ONLY COULD BE DISCUSSED, NO AGREEMENT WAS REACHED ON FOLLOWING MAIN CATEGORIES OF PORT STATE ENFORCEMENT REGIMES.

(A) RIGHT OF UNIVERSAL PORT STATE ENFORCEMENT BY PORT STATE INDEPENDENTLY OR UPON REQUEST OF ANOTHER STATE, (B) RIGHT OF PORT STATE ENFORCEMENT BY PORT INDEPENDENTLY OR AT REQUEST OF ANOTHER STATE LIMITED TO A ZONE OF X MILES (NOT COEXTENSIVE WITH ECONOMIC ZONE), (C) RIGHT OF PORT STATE ENFORCEMENT BY PORT STATE INDEPENDENTLY FOR INFRACTIONS IN ITS OWN ZONE OR AT REQUEST OF ANOTHER STATE FOR INFRACTIONS WITHIN THE LATTER'S ZONE; (D) SAME AS (A) ABOVE WITH DAMAGE CRITERION; (E) A PORT STATE OBLIGATION TO "MAKE EVERY EFFORT TO COMPLY WITH REQUEST OF ANOTHER STATE" FOR INFRACTIONS WITHIN INTERNAL WATERS OR TERRITORIAL SEA OF REQUESTING STATE, OR WITHIN ITS OWN INTERNAL WATERS OR TERRITORIAL SEA.

GENERALLY SPEAKING, MANDATORY PORT STATE ENFORCEMENT, UNIVERSAL OR OTHERWISE, WAS NOT SUPPORTED. USSR, IN CONSONANCE WITH US VIEWPOINT, INDICATED INCONSISTENCY BETWEEN VENSEN 27(1) AND 28(1), IN THAT 28(1) CIRCUMSCRIBES 27(1) PORT STATE RIGHT TO TAKE PROCEEDINGS FOR VIOLATION OF INTERNATIONAL DISCHARGE STANDARDS, REGARDLESS OF PLACE OF VIOLATION, AND AS 28(1) ALLOWS PORT STATE TO TAKE ACTION FOR VIOLATION OF ITS NATIONAL RULES IN PORT. US IN RESPONSE INDICATED THAT MODIFYING ADJECTIVE "APPLICABLE" IN EVENSEN 28(1) WOULD SATISFACTORILY RESOLVE LATTER PROBLEM, ALTHOUGH FORMER STILL REMAINED. US FURTHER QUESTIONED NECESSITY OF EVENSEN 28(1) IN TOTO, GIVEN EVENSEN 27(1) AND CONTINUING NATURE OF VIOLATION OF INTERNATIONAL CEDM STANDARDS. US, WHILE INDICATING PREFERENCE FOR COMPLETE UNIVERSALITY PORT STATE SYSTEM, STATED ITS WILLINGNESS TO ACCEPT A REGIME FOR VIOLATIONS COMMITTEED WITHIN ZONE OF X MILES OF COASTS OF STATES. USSR INDICATED ACCEPTANCE OF UNIVERSAL PORT STATE ENFORCEMENT LIMITED TO PORT STATE RIGHT TO EXAMINE SHIP CERTIFICATION, IN CASE OF VIOLATION OF INTERNATIONAL DISCHARGE STANDARDS, AND IN CASE OF NON-CONFORMITY TO CERTIFICATION, RIGHT TO UNDERTAKE PROCEEDINGS IN VIOLATION OF APPLICABLE

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NATIONAL AND INTERNATIONAL RULES IN FOLLOWING SITUATIONS:

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C O N F I D E N T I A L SECTION 3 OF 3 GENEVA 0772

(A) IF OCCURRED IN INTERNAL OR TERRITORIAL WATERS OF PORT STATE; (B) IF IN ZONE OF X MILES OF PORT STATE FOR ALL VIOLATIONS OF INTERNATIONAL STANDARDS, WHEN VIOLATIONS CAUSES, OR IS LIKELY TO CAUSE, DAMAGE TO PORT STATE; (C) IN INTERNAL WATERS, TERRITORIAL SEA, OR ZONE OF X MILES OF REQUESTING STATE WHEN DAMAGE HAS OCCURRED, AND; (D) FOR VIOLATIONS OF INTERNATIONAL STANDARDS, REGARDLESS OF PLACE AT REQUEST OF FLAG STATE.

DURING COURSE OF DISCUSSION, DISPUTE AROSE WHICH WAS NOT RESOLVED AS TO INTERRELATIONSHIP OF SNT 27(3) AND 28(2), SPECIFICALLY AS TO WHETHER SNT (27(3) REFERRED IN CONTEXT TO "ITS" TERRITORIAL SEA OR "ANY" TERRITORIAL SEA, US AGREEING STRONGLY IN FAVOR OF LATTER, DUE TO OTHERWISE SERIOUS IMPLICATION OF "UNIVERSALITY" OF PORT STATE ENFORCEMENT SYSTEM OUT TO X MILES IN SNT ART 27. CHAIR SUMMARIZED THAT, WITH EXCEPTION OF FRG, NORWAY AND US, GROUP PREFERRED TO ACCEPT LIMITED PORT STATE ENFORCEMENT IN ZONE OF X MILES NOT COEXTENSIVE WITH

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ECONOMIC ZONE.

5) EVENSEN 27(4) (TRANSFER OF PRECEEDINGS BY PORT

STATE). UK QUERIED MEANING OF TRANSFER OF PROCEEDINGS AND JURISDICTIONAL BASE. US, IN RESPONSE, INDICATED SUPPORT AND USEFULNESS OF CONCEPT OF 27(4), IN PARTICULAR ITS PROCLIVITY TO LIMIT DEMANDS FOR COASTAL STATE ENFORCEMENT SYSTEM AND PREFERENCE OF TAKING ACTION AGAINST SHIP ALREADY IN PORT, IN LIEU OF AGAINST SHIP WHILE TRANSITING COAST. US, FURTHER, INDICATED POSSIBLE ADVANTAGE IN MAKING 27(4) MANDATORY, AND THAT JURISDICTIONAL BASE WOULD BE BOND. USSR FOUND 27(4) INTERESTING, BUT COULD ACCEPT ONLY IF TRANSFER LIMITED TO BOND AND NOT CREW AND VESSEL.

6) US OBJECTED TO EXPULSION PROVISIONS IN EVENSEN 28, INDICATING 1958 CONVENTION ALLOWED EXPULSION ONLY AS EXTRAORDINARY MEASURE AGAINST WARSHIPS. US ALSO INDICATED DANGERS INHERENT IN EQUATING POLLUTION VIOLATIONS AS VIOLATIONS OF INNOCENT PASSAGE, WHICH WOULD BE INHERENT IN ANY COASTAL STATE ABILITY TO EXPEL VESSEL, AS PROVIDED FOR IN EVENSEN 28. USSR, HOWEVER, INDICATED PREFERENCE FOR LIMITATION TO EXPULSION FROM TERRITORIAL SEA, RATHER THAN ARREST POWER IN COASTAL STATE.

7) SNT 28(1) (COASTAL STATE ENFORCEMENT IN TERRITORIAL SEA). US INDICATED NECESSITY FOR COASTAL STATE ARREST RIGHT IN ITS TERRITORIAL SEA FOR VIOLATIONS OF INTERNATIONAL AND NATIONAL DISCHARGE AND CEMD STANDARDS, AND SUPPORTED EVENSEN 28(2). USSR ACCEPTED THIS WITH CAVEAT THAT POWER APPLY TO VIOLATIONS OF INTERNATIONAL DISCHARGE STANDARDS ONLY. FRG SUPPORTED US REGARDING INFRACTIONS OF INTERNATIONAL STANDARDS IN TERRITORIAL SEA. UK, SUPPORTED BY DENMARK AND FINLAND, SUPPORTED US FOR INFRACTIONS OF INTERNATIONAL STANDARDS AND NATIONAL DISCHARGE STANDARDS, BUT NOT FOR NATIONAL CONSTRUCTIONS STANDARDS.

IN SUMMARY, CHAIR STATED MAJORITY OF GROUP FAVORED COASTAL STATE ENFORCEMENT OF INTERNATIONAL DISCHARGE AND CEMD STANDARDS ONLY, WITH EXCEPTION US AND USSR, LATTER LATER SUPPORTING ALL SAVE NATIONAL CONSTRUCTION STANDARDS, IF ALL OTHER STATES AGREED THERETO.

8) SNT ARTICLE 30 AND EVENSEN 28(3) (INSPECTION AND ENFORCEMENT BEYOND TERRITORIAL SEA). IT WAS GENERALLY CONFIDENTIAL

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AGREED THAT A 50-MILE LIMITATION FIGURE WAS PREFERABLE IN BOTH ARTICLES, ALTHOUGH MANY STATES, (E.G., US, UK, FRG, USSR) INDICATED IF INTERVENTION LIMITED ONLY TO INFORMATION GATHERING, THERE WOULD BE NO NEED TO LIMIT ACTIVITIES TO 50-MILE ZONE.

ENSUING DISCUSSION REGARDING BOARDING AND INSPECTION BEYOND TERRITORIAL SEA RESULTED IN CONSERVATIVE REACTION FROM MAJORITY OF GROUP. US, HOWEVER, SUPPORTED BY JAPAN AND NETHERLANDS AND, IN PART, BY ITALY, INDICATED NECESSITY

TO BEGIN GENUINE SERIOUS NEGOTIATIONS WITH COASTAL
STATE GROUP, AND INDICATED US WILLINGNESS TO ACCEPT COASTAL
STATE ENFORCEMENT RIGHTS, INCLUDING ARREST POWERS, FOR
VIOLATIONS OF INTERNATIONAL STANDARDS. US, FURTHER,
INDICATED WILLINGNESS TO SUPPORT QUALITATIVE DAMAGE
LIMITATIONS AS DESIRED BY MANY DELEGATIONS, BUT INDICATED
PREFERENCE FOR LIMITED ZONE WITHOUT SUCH LIMITATIONS,
PARTICULARLY AS LDCS WOULD IGNORE QUALITATIVE LIMITATIONS
TO DETRIMENT OF RESPONSIBLE MARITIME LIMITATIONS. USSR
EXPRESSED DISBELIEF IN ABILITY TO LIMIT ZONE TO 50 MILES,
BUT INDICATED IT WOULD SUPPORT 50 MILE FIGURE WITH
QUALITATIVE LIMITATIONS (E.G., BOARDING AND INSPECTION
ONLY WHEN PROCEEDING TO PORT).

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